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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,909	12/28/1999	RICHARD D. MARRY	E-954	2919

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ALBERTA A VITALE
PITNEY BOWES INC INTELLECTUAL PROPERTY
AND TECHNOLOGY LAW DEPARTMENT
35 WATERVIEW DRIVE P O BOX 3000
SHELTON, CT 06484

EXAMINER

STEWART, THEOPLIS E

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,909

Applicant(s)

MARRY ET AL.

Examiner

Theoplis E Stewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____

4) Interview Summary (PTO-413) Paper No(s) ____

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Manduley et al. (U.S. Patent 5308932)

1-2. *Regarding claim 1;*

A method of calculating sorting costs for an incoming mail sorting apparatus having a database of addressees for use in sorting incoming mailpieces comprising:

- collecting information about each one of a plurality of mailpieces sorted using the incoming mail sorting apparatus, the information used to determine a type of mailpiece for each one of the plurality of mailpieces; (*Abstract, lines 8-11*, "obtained by reading the information from the mailpiece. Any discrepancies between the postage affixed and the amount of postage which should actually be paid may be noted at acceptance or seen by the carrier as the mail is delivered.) Whereas information is collected and pertaining to mailpiece characteristics.
- determining the type of mailpiece using the information collected in step (*Column 2, lines 15-16*, "automatic verification of batches of mailpieces")
- associating the information about each one of the plurality of mailpieces sorted using the incoming mail sorting apparatus with addressee information from the database of addressees; (*Column 1, lines 51-53*, "a data base is updated to include the initial weight and destination address of a mailpiece.") Whereas address information concerning mailpiece is updated and stored for association.)
- storing a piece count for each one of the plurality of mailpieces sorted using the incoming mail sorting apparatus, the piece count stored in association with corresponding addressee information from the database of addressees in the

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incoming mail sorting apparatus; (Column 1, lines 51-53, "a data base is updated to include the initial weight and destination address of a mailpiece.") Whereas address information concerning mailpiece is updated and stored for association.)

- calculating cost information using the piece count stored in association with the corresponding addressee and a predetermined unit price for each type of mailpiece. (Abstract, lines 8-11, "in a further embodiment other information necessary to calculate the necessary postage is obtained by reading the information from the mailpiece.")

1-3. *Regarding claim 2;*

- a type of mailpiece selected from the group consisting of a letter, a flat and a postcard. (Abstract, lines 14-16, "a batch of mail may be sampled to select representative mailpieces") Whereas this representation includes selecting a type of mailpieces.

1-4. *Regarding claim 3;*

- a type of addressee information selected from the group consisting of: hand print, hand script, interoffice and interoffice form (Column 7, lines 49-51, "the character information to be read includes address information on the mailpiece.") Whereas address information is read and inherently printed or handwritten on various forms.

1-5. *Regarding claim 4;*

A method of calculating sorting costs for an incoming mail sorting apparatus comprising the steps of:

- providing a data file for storage of addressee information and correlated mailpiece information, the information comprising a piece count for each type of mailpiece; (Column 1, lines 51-53, "a data base is updated to include the initial weight and destination address of a mailpiece.") Whereas address information concerning mailpiece is updated and stored for association.)
- reading addressee information from a mailpiece using an incoming mail sorting apparatus; (Column 4, lines 40-43, "a scanner, such as, for example, one of the well known OCR readers and/or postal bar code readers, which is operative to read address as well as other determined information".)
- correlating addressee information read from the mailpiece with addressee information data stored in the incoming mail sorting apparatus; (Column 1, lines 51-53, "a data base is updated to include the initial weight and destination address of a mailpiece.") Whereas address information concerning mailpiece is updated and stored for association.)
- obtaining mailpiece information regarding the mailpiece size in order to determine the mailpiece type; (Abstract, lines 14-16, "a batch of mail may be sampled to select

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representative mailpieces") Whereas this representation includes selecting a type of mailpieces.

- determining the type of mailpiece using the information regarding mailpiece size; (Column 1, lines 25-30, "the postage amount required for delivery increases with the weight and size of the mailpiece. Accordingly, the Post Office will lose revenue on its delivery if in fact the postal rate (according to the postal Weight-Rate Tables) corresponding to the weight and/or size of the mailpiece) Whereas size of a mailpiece contributes to determining category of mailpiece and postage)
- storing the data file in the incoming mail sorting apparatus; (Column 1, lines 51-53, "a data base is updated to include the initial weight and destination address of a mailpiece.") Whereas address information concerning mailpiece is updated and stored for association.)
- incrementing the piece count for the type of mailpiece determined (Column 1, lines 25-26, "the postage amount required for delivery increases with the weight and size of the mailpiece.") Whereas based on mailpiece weight and size the type of mailpiece postage increments.)
- calculating the sorting cost for each mailpiece using a predetermined unit price for each type of mailpiece and the piece count for type of mailpiece. (Column 1, lines 25-27, "according to the postal Weight-Rate Tables) corresponding to the weight and/or size of the mailpiece). Whereas postal weight-rate tables are already established to carry out postal cost based on calculation of sorting cost.

1-6. *Regarding claim 5;*

- a set of predetermined unit prices for each type of mailpiece for each department for which the incoming mail sorting apparatus sorts mailpieces. (Column 1, lines 25-27, "according to the postal Weight-Rate Tables) corresponding to the weight and/or size of the mailpiece). Whereas postal weight-rate tables are already established to carry out postal cost based on calculation of sorting cost.

1-7. *Regarding claim 6;*

- generating a report from the calculation of sorting cost. (Column 6, lines 25-29, "When the last mailpiece is checked, the postage due for the entire mailing is computed based on the verified sample and printed out along with the allowed margin for error).

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Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Sharpe et al. 4713761
- Gottlieb et al. 6283304

The following prior art was pertinent and considered most relevant in search to examiner in reviewing application:

- Manduley et al. 5308932
- Feinlandf DE 3731508 A (Foreign Patent Document)

Conclusions

Any communications concerning this communications or earlier communications from the examiner should be directed to Theoplis Stewart whose telephone number is (703) 305-5344. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) - 308-1113.

If in attempts to reach the examiner by phone is unsuccessfully, the examiner's supervisor, John Weiss can be reached at 703-308-2702. Responses to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C 20231

10-01-02

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T.E.S

John G. Weiss
JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600